Before the Federal Communications Commission Washington, D.C. 10554

In the Matter of Implementation of the NET 911 Improvement Act Of 2008

WC Docket No. 08-171

COMMENTS TO PROPOSED RULEMAKING

Dear Commission:

Please accept the following comments from the City of Tulsa Public Safety Communications/9-1-1 Center. This is a consolidated Police and Fire Dispatch Center that receives 9-1-1 calls for the City and County of Tulsa, Oklahoma, serving approximately 600,000 citizens in Northeastern Oklahoma. Originally activated in 1989, our system has gone through numerous upgrades to accommodate emerging technologies. We are currently installing technology and equipment to receive Phase II wireless calls. Continuing to expand technologies to keep up with the various methods in which people can access 9-1-1 services is becoming exponentially expensive and difficult, and the lack of federal direction has caused a patchwork of capabilities, funding mechanisms and requirements throughout the 50 states.

In the name of pro-competitiveness, strict adherence to free-market principles has been somewhat counterproductive in the world of 9-1-1 as states and localities have been left to their own to wrestle with the massive telecommunications industry in the development and enforcement of local and state regulations and methodologies designed to provide consistent citizen accessibility. That being said, we are encouraged by recent Congressional action on the New and Emerging Technologies (NET) 911 Improvement Act of 2008 and its stated goals of ensuring that new technologies, specifically Voice over Internet Protocol, are compatible with 9-1-1 services, and that customers of this type of communication service are able to receive the same benefits of 9-1-1 systems as are those customers of more traditional, landline and/or wireless service.

Enhanced 9-1-1 service is entirely dependent on the ability to derive accurate location information of the emergency caller and reliably pass that location information to a 9-1-1 Public Safety Answering Point (PSAP). Currently we see two categories of factors undermining the effectiveness of Enhanced 911 service in Oklahoma and other areas of the U.S. The first is limited and conditional availability of accurate location information from mobile communication devices. The second, VoIP communication service providers that implement E9-1-1 with disconnected processes that often leave the 9-1-1 caller without the help they expect and deserve. As the large traditional telephone service providers evolve into IP enabled voice service providers, failure to define and enforce E9-1-1 service expectations for next generation and emerging communication technologies will certainly result in an ever broadening degradation of traditional E9-1-1 service. The NET 911 Improvement Act of 2008 provides an opportunity for the FCC and the States to take steps to correct these deficiencies and provide mechanisms that prevent future dismantling of the E9-1-1 infrastructure.

The following comments are offered in order of subsections listed in the Notice of Proposed Rulemaking. Thank you for the opportunity to comment.

DISCUSSION

Capabilities

6. Question: To what extent is it appropriate for the Commission to define “capabilities” in this rulemaking, or should we determine what constitutes “capabilities” on a case-by-case basis?

Response: We believe the FCC should define the desired result of Enhanced 9-1-1 services in detail rather that try to employ the current acronym or jargon based on type of service deployment. Such as:

• When establishing a service address for the location of

the “home base” of a communication device, that address should be provided to the local 9-1-1 agency in street address format that adheres to local address policies as dictated by the local addressing authority.
• When reporting location information for a mobile communication device that is away from its “home base,” that location information must be provided in the format of longitude and latitude or in a street address format that adheres to the local address policies as dictated by the local addressing authority of the current location.

Question: Do “capabilities” include network services, testing and agreements?

Response: Definitely. Capabilities regarding E9-1-1 services should be defined as the integral tasks required for implementing and maintaining Enhanced 9-1-1 service rather than the terms that come and go with different types of service deployment. We ask that a basic National E9-1-1 service compliance standard be formulated and apply to any type communication service provider, whether wholesaler, retailer, or an entity contracted to provide E9-1-1 services, which sends voice or data into an Enhanced 9-1-1 network. It is imperative that wholesale and retail providers of communication services be required to establish end-to-end processes with their contractors and partners to create an overall process that results in comprehensive E9-1-1 service. This compliance standard should address, at minimum, but not be limited to the following tasks:
1. Notification to 911 agencies prior to implementation of intent to provide service.
2. Exchange of specific contact information for the company that originates the 911 call for:
a. emergency call trace
b. reporting of trouble and re-routing of 9-1-1 calls
c. fee remittance issues
d. customer database issues/requests.
3. Adherence to local/regional requirements concerning inbound routing of E9-1-1 calls (voice or data).
4. Comprehensive testing of inbound traffic at implementation

and any time thereafter if required.
5. Adherence to local addressing policies and support of these policies when issuing service addresses, whether Master Street Address Guide (MSAG) validation, civic address validation or both.
6. E9-1-1 agency access to customer database at initial deployment and at periodic audit intervals thereafter, upon request.
7. Adherence to state 911 funding mechanisms.

7. Question: What requirements should be placed on the roaming partners of these dual-mode service providers to provide access to information necessary to employ “last known cell” in a roaming area in the same manner that dual-mode providers such as T-Mobile use such information when in their own network? What capabilities should the FCC require roaming partners to make available to mobile VoIP providers to ensure compliance with applicable E911 requirements? Should wireless carriers be required pursuant to the NET 911 Act to provide roaming partners with last-known caller location information necessary for the proper routing of wireless VoIP calls to 911?

Response: We believe that outside the footprint, roaming partners should be required to provide to dual-mode service providers access to information to employ “last known cell” in a roaming area in the same manner that dual-mode providers such as T-Mobile use such information when in their own network. We also believe that wireless carriers should be required pursuant to the act to provide roaming partners with last-known caller location information necessary for the proper routing of wireless VoIP calls to 911. We believe the proposed rules should create incentives to foster roaming agreements that would effectuate the provision and access to information necessary to employ seamless 9-1-1 service, including availability of “last known cell” in roaming areas.

In the future we believe the dual methods (Network and Handset based) of originating location information on mobile devices will no longer be required. In their place, the FCC should create an

environment to encourage the development of standard protocols and methods to derive and pass caller location information for the purpose of E9-1-1 across any type of CMRS network, thus providing the ubiquitous E9-1-1 coverage that Congress intended. Also a uniform location origination method will translate to consistency in the 9-1-1 Center and a focus from all providers to resolve the same shortcomings.

B. Ownership, Control, Availability, and Right of Access

8. Question: What are the implications of Congress's direction that IP-enabled voice service providers shall have a right of access to these capabilities "for the exclusive purpose of complying with" their obligations under the NET 911 Act?

Response: We believe the proposed rules should define and describe various connected service providers and partners in the IP-enabled voice service deployment chain from the originating source provider, the gateway provider, the "last mile" provider and the end user. The FCC should delegate some enforcement authority to state and local entities to monitor and regulate the right of access for IP-enabled voice service providers (IPevsp). With new access should come new accountability by IPevsp to the 9-1-1 and public safety community and their citizens.

We understand better than anyone how rapidly communications methods are evolving. However we cannot dismiss the need to build and maintain a reliable E9-1-1 network to accommodate market demand in the communication industry. Until E9-1-1 service compliance is raised to a service deployment requirement by the FCC and Congress, next generation communication service providers will not make E9-1-1 an integral part of their business plan. Rather, E9-1-1 service is, as in the past two decades, an after-thought riddled with broken processes and conditional functionality.
Congress has given the FCC and state organizations an opportunity to begin to remedy the serious flaws that are undermining the effectiveness of Enhanced 9-1-1 service. Due to the open

interstate nature of next generation communication services, the states alone can no longer be the only E9-1-1 service watchdogs. The FCC must set a minimum comprehensive E9-1-1 service standard and partner with states to enforce that standard.

C. Rates, Terms and Conditions

9. Question: Are there any other differences between Commercial Mobile Service (CMS) and IP-enabled voice service that we should consider with regard to the “rates, terms and conditions” of access for IP-enabled voice service providers?

Response: We believe the terms of interconnection agreements should be available for review by other CMS, IPevsp and the 911 and public safety community. Additionally, we believe the FCC should mandate disclosure of all rates, terms, and conditions as provided to CMS providers, to state and local authorities in order to verify levies and fees imposed by state law on IPevsp.

D. Technical, Network Security or Information Privacy Requirements That are Specific to IP-Enabled Voice Services

11. Question: Should the Commission take any action at this time to require IP-enabled voice service providers to register with the Commission and to establish a point of contact for public safety and government officials relative to E911 service and access? If so, what steps would be appropriate?

Response: Definitely! The FCC should require registration by all IPevsp and provision for a Point of Contact and contact information accessible 24/7/365 for 911 and public safety agencies. In the same vein, all IPevsp should be required to enter into agreements with 911 and public safety agencies for the provision of data base and interconnection services, including testing of IPevsp customer accessibility to 911 systems before going “live.” Seek to create parity by establishing outage notification standards for IP service providers including required notification to 911 and public safety communities. This is

consistent with previously adopted FCC regulations for Local Exchange Carriers (LECs). We also believe the FCC should investigate ways to accommodate legacy 911 systems that may not have the network resources necessary to receive the advanced technological information provided by the IPevsp.

E. Other Considerations

12. Question: Should the Commission delegate authority to enforce any regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications? If so, what specifically should the Commission delegate and to which entity?

Response: The FCC should confer jurisdiction to States for oversight and compliance enforcement by IPevsp with the new FCC rules. These IPevsp are without supervision or regulation and are, today, rapidly deploying service offerings at the State and local levels which significantly impacts the ability of the 9-1-1 and public safety communities to respond appropriately to citizens in emergency situations. Local 9-1-1 entities need assistance at the State level to enforce FCC rules regarding IPevsp operating within their geographical jurisdictions. In our opinion, the FCC does not have the resources to engage in compliance issues in every State and should delegate authority to State commissions, such as the Oklahoma Corporation Commission in our specific example.

Additional Comment: Probably the most difficult issue we have had to face with voice over internet providers in the Tulsa area is the provider determining an administrative telephone number within the 9-1-1 Center and routing 9-1-1 emergency calls to that number. Needless to say, when that particular number is busy, or there is not anyone available to answer, the caller is left without any assistance. We have established a specific ten-digit telephone number for VoIP providers to access, but without local registration, it is a difficult process to have the provider change to a number that will be answered in a timely manner.

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